

1                   **IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

2   Application Serial No. ....10/053,731  
3   Filing Date ..... January 18, 2002  
4   Inventor.....Jonathan Christopher Hardwick et al.  
5   Group Art Unit .....2123  
6   Examiner .....Sharon, Ayal  
7   Attorney's Docket No. ....MS183174.1/40062.164US01 (MS1-1423US)  
8   Confirmation No.....4229  
9   Title: Evaluating Hardware Models Having Resource Contention

10                   **PETITION TO ACCEPT UNINTENTIONALLY DELAYED CLAIM UNDER 35**  
11                   **U.S.C. 120 PURSUANT TO 37 C.F.R. §1.78(a)(3)**

12   To:           Commissioner for Patents,  
13               PO Box 1450  
14               Alexandria, Virginia 22313-1450

15   From:       Allan T. Sponseller (Tel. 509-324-9256 (Ext. 215); Fax 509-323-8979)  
16               **Customer No. 22801**

17               Applicant respectfully requests the Commissioner to accept an  
18               unintentionally delayed claim under 35 U.S.C. 120 for the benefit of a prior-filed  
19               application pursuant to 37 C.F.R. §1.78(a)(3).

20               The reference to the prior-filed application is included as an amendment to  
21               the specification in the Response to the outstanding Office Action filed with this  
22               petition. This reference is as follows:

23                       This application is a continuation-in-part of U.S. Patent  
24                       Application Serial No. 09/632,522, filed August 4, 2000, now U.S.  
25                       Patent No. 6,925,431. This application, and U.S. Patent Application  
                      Serial No. 09/632,522, claim priority to U.S. Provisional Application  
                      No. 60/209,759, filed June 6, 2000.

1 The entire delay between the date this claim of priority was due under 37  
2 C.F.R. §1.78(a)(2)(ii) and the date this claim was filed was unintentional.

3 The commissioner is hereby authorized to charge the surcharge set forth in  
4 37 C.F.R. §1.17(t) to Deposit Account No. 12-0769.

5  
6 The Commissioner is hereby authorized to charge any required fees for the  
7 above captioned application to our Deposit Account No. 12-0769.

8  
9 Respectfully Submitted,

10  
11 Dated: 2/15/06

12 By: 

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